



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-037		Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Concurrent Use Permit		Planning Commission Date	May 13, 2014	
Deadline for Action	Application Date	April 8, 2014	60 Days	June 7, 2014	
	Date Extension Letter Mailed	April 22, 2014	120 Days	August 6, 2014	
Location of Subject	10th Avenue E Between 1st Street and 2nd Street				
Applicant	St. Luke's Hospital		Contact	Ron Franzen, rfranzen@slhduluth.com	
Agent	Kenneth D. Butler		Contact	kbutler@kenbutlerlaw.com, 218-625-2278	
Legal Description	See attached				
Site Visit Date	N/A		Sign Notice Date	April 28, 2014	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal

Applicant is seeking a concurrent use permit for 1) a snow melt system under the driveway of "Building A" where it abuts 10th Avenue E; 2) a snow-melt system under the sidewalk along the west side of 10th Avenue E, stretching 66 feet from the 1st Street sidewalk; and 3) an underground duct bank for St. Luke's generator power that will cross under 2nd Street, 10th Avenue E, 1st Street, and the 1st Street Alley.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-I	Hospital campus	Institutional
North	MU-I	Hospital campus	Institutional
South	MU-I	Hospital campus	Institutional
East	MU-I	Hospital campus	Institutional
West	MU-I	Hospital campus	Institutional

Summary of Code Requirements (reference section with a brief description):

UDC Section 50-37.7C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

1-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #4 - Support emerging economic growth sectors. This includes the medical industry.

Future Land Use - Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Relationship to institutional master plans.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) St. Luke's Hospital has previously received five concurrent use permits for its hospital campus (see attached list). They are also applying for a concurrent use permit for a new skywalk (PL 14-036).
- 2.) The snow melt systems are already in place, having been installed during construction of adjacent buildings, but were not covered by a concurrent use permit. The duct bank is proposed to be installed in conjunction with the reconstruction of 10th Avenue E, scheduled for later this year.
- 3.) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city. The snow melt systems will provide a benefit of helping to eliminate slippery conditions along 10th Avenue E.
- 4.) The area proposed for concurrent use is not currently being used by the public.
- 5.) The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the City against occurrences in the right of way.
- 6.) City Engineering has indicated support for this permit, providing that St. Luke's does all locates associated with these items and that applicant pay for any future additional costs to the City for working around these items.
- 7.) No other public, agency, or other City comments were received.
- 8.) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit or variance is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Concurrent Use Permit with the following conditions:

- 1.) Applicant provide as-built drawings of the snow melt systems already in place, and will provide as-builts for the duct bank upon completion.
- 2.) Applicant provide proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) St. Luke's agrees to locate all underground items in accordance with Gopher State One Call rules.
- 4.) St. Luke's will cover any future additional costs incurred by the City of Duluth by working around these items in the right of way.
- 5.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

2-7

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

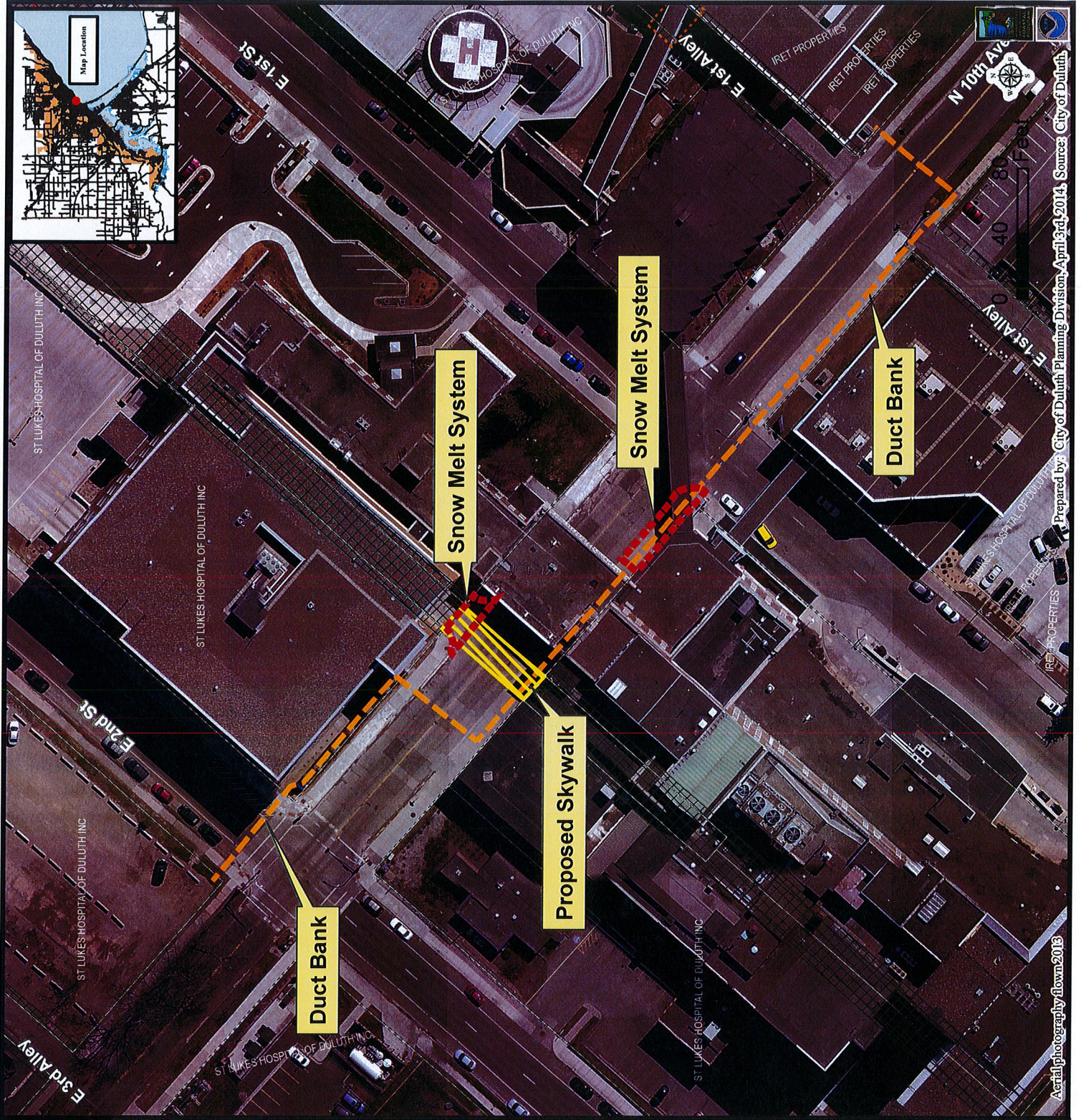


City Planning

PL 14-036 and 14-037
St. Luke's Hospital

Legend

Right-of-Way Type	Easement Type
..... Road or Alley ROW	Utility Easement
..... Vacated ROW	Other Easement



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 1st - 2014. Source: City of Duluth

1-3

AMENDED EXHIBIT A

DESCRIBE THE REASONS FOR THIS REQUEST:

1. Permit needed for concurrent use of street right-of-way for snow-melt system as shown on the attached site plan marked Exhibit B. The snow-melt system will be located under the apron servicing Building "A" parking garage and will extend to the curb and gutter on the East side of 10th Avenue East.
2. Permit needed to snow-melt system as shown on the attached site plan marked Exhibit C. The snow-melt system will be located underneath the sidewalk on the West side of 10th Avenue East and extend from the 1st Street sidewalk to the apron 66 feet distant on said West side of 10th Avenue East.
3. Underground duct bank for St. Luke's Generator Power as shown on Exhibit D.

Jennifer Moses

From: Earley, Patrick <Patrick.Earley@slhduluth.com>
Sent: Monday, May 05, 2014 2:46 PM
To: Jennifer Moses
Cc: kbutler@kenbutlerlaw.com
Subject: St. Luke's Power Duct Bank Diagram and Description
Attachments: Power Duct Bank Plan 2014-5-5.pdf - Adobe Acrobat Pro.pdf

This message was sent securely using ZixCorp.

I made a new drawing and included the description below on the drawing. If there is anything else needed, let me know. Thanks.

St. Luke's Hospital Generator Power Distribution Conduit Location Description:

The planned underground electrical power cable duct bank is an arrangement of up to 6 conduits encased in a concrete form of approximately 36" wide by 24" deep. It is designed to provide a means to install power cables for distributing consolidated emergency generator power to the St. Luke's Campus buildings situated along (10th Avenue East). The duct bank extends from North of (East 2nd Street) to South of (1st Alley) in a path as follows: From North of (East 2nd Street) it crosses (East 2nd Street) along a parallel line approximately 40 feet easterly from the centerline of (10th Ave. East); it then continues southerly along the edge of the East right of way of (10th Ave. East) to approximately 150 feet from the centerline of (East 2nd Street); it then turns westerly and crosses (10th Ave. East) to the inside of the West right of way line, it then turns southerly and continues along a line approximately 4 feet inside the West right of way of (10th Ave. East); it crosses (East 1st Street) and continues along the same line to approximately 40 feet South of the center line of (1st alley) (between blocks 13 and 20) where it turns easterly and crosses (10th Ave East) and terminates outside the East right of way of 10th Ave. East.

This message was secured by [ZixCorp](#)^(R).

1074 AVENUE EAST

Verify bolt pattern with Engineer prior to construction. Top of base elev = 703.0

C501

EXHIBIT B

4
C501

Channel curb and gutter per city of Duluth Standard

WM

Sawcut line

Contract limit line

Concrete base for sidewalk light fixture.
Fixture specification to be determined.
Verify bolt pattern with Engineer prior to construction. Top of base elev = 699.0

8
C501

Four riser stair with handrails

7
C501

WM

2'-6" Concrete curb and gutter
per the city of Duluth specification

2
C501

R=20'

Typical sidewalk expansion joint
and section

4
C501

Proposed 5' sidewalk ramp with
ADA detectible surface. See sheet C501
MNDOT Plates 7036G and 7038A



Reject curb and gutter
Per the city of Duluth standard

3
C501

Concrete entrance drive with heat tubing
(solid shaded area)

Concrete drive apron typical section

1
C501

WM

WM

WM

42" Guardrail located on top
of proposed concrete tunnel

R=20'

Chainlink fence or equal with gate

7
C501

Existing concrete stoop to remain.

RECEIVED APR 08 2014

I-6

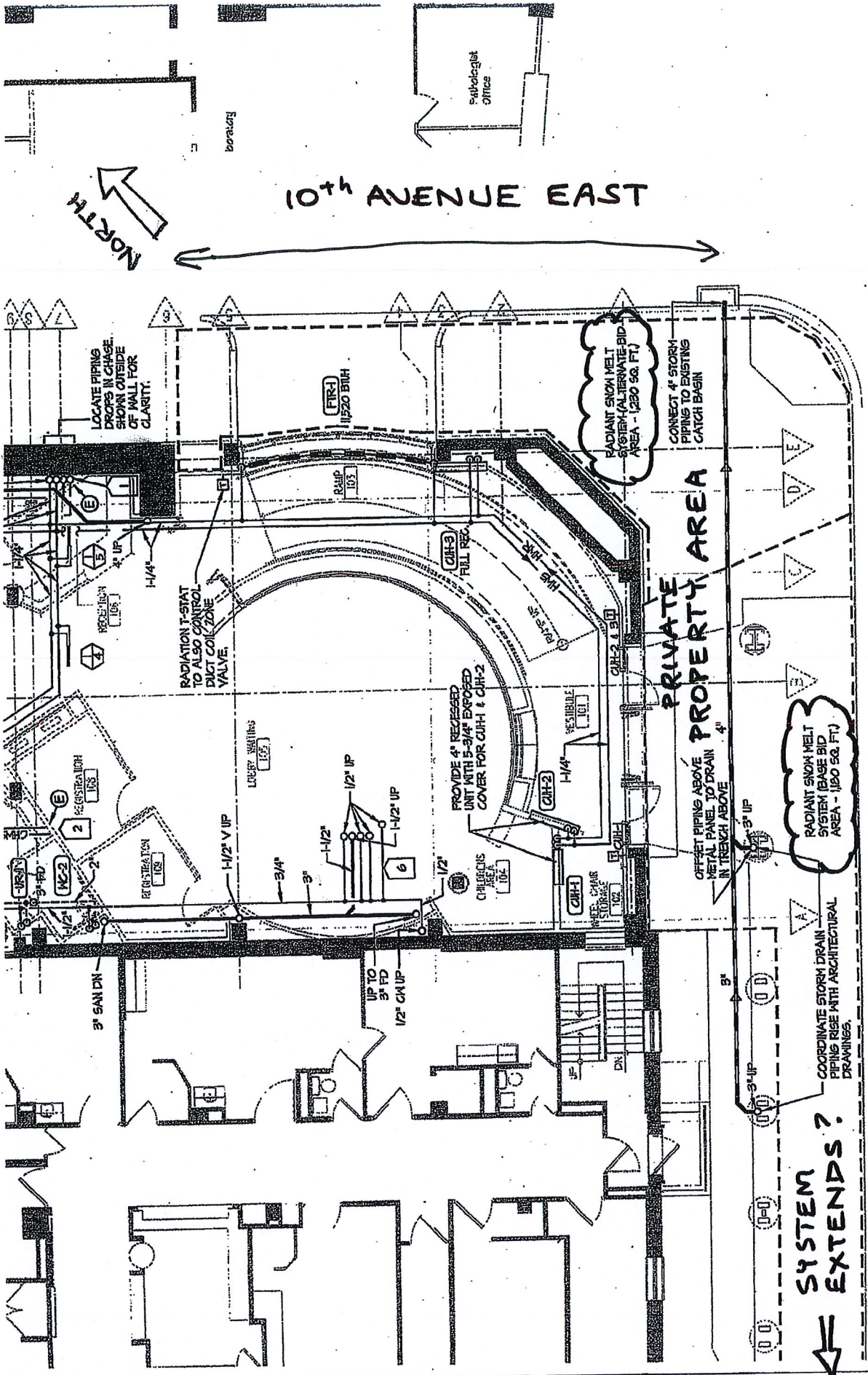
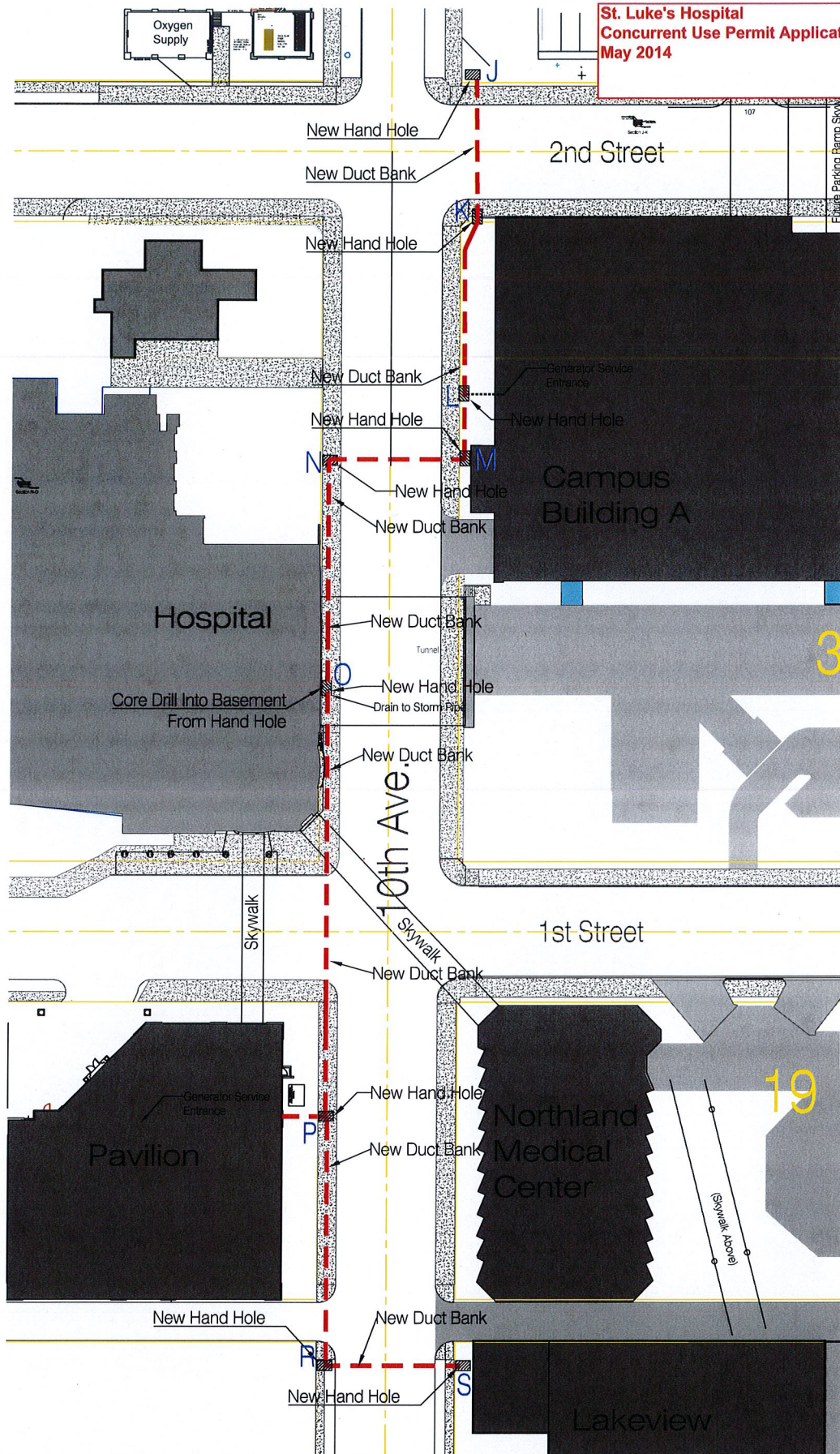


EXHIBIT C

E. 1ST STREET

6-7



St. Luke's Hospital Generator Power Distribution Conduit Location Description:

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8-1

EXHIBIT A

DESCRIBE THE REASONS FOR THIS REQUEST:

Permit needed for construction of a skywalk across 10th Avenue East, the elevation and length of same as shown on the attached site plan marked as Exhibit B. The general construction of the skywalk is as follows:

- The skywalk is approximately 15 feet wide by 80 feet in length.
- The skywalk will be located approximately 174.2 feet (North) from the centerline of First Street to centerline of skywalk.
- The skywalk will consist of composite metal panels and glass windows. The glass equates to approximately 35% of each elevation (North side and South side of skywalk).
- The skywalk will be connecting the 4th floor of the existing Hospital to the 4th floor of Building "A," and will be approximately 28 feet above the road surface to the bottom of the skywalk structure.

It is requested that any concurrent use permit to be granted by this Application be consolidated and identified along with those earlier permits that have already been issued for encroachments above and below 1st Street and 10th Avenue East, namely:

- 76-127, pedestrian skywalk in the intersection of 10th Avenue East and 1st Street (I believe this is the one from Northland to the hospital), approved by City Council on March 21, 1977.
- 96-123, ambulance garage, retaining wall, and canopies for the emergency room entrance, approved by City County on September 23, 1996.
- 00-012, skywalk from the ambulatory center to the hospital over 1st Street, approved by City Council on March 6, 2000.
- Ordinance 6789 which addresses a viaduct or overpass approximately 30 feet in width and a clearance of at least 14 feet above the surface of 10th Avenue East and a tunnel approximately 10 feet by 10 feet under 10th Avenue East.
- Ordinance No. 9313 which grants to St. Luke's Hospital the right to occupy, erect and maintain retaining wall, canopies and all fixtures and pertinencies located within the northerly 20 feet of East First Street adjacent to Lots 1-16, inclusive, Block 35, PORTLAND DIVISION OF DULUTH. The heat-melt system located underneath the First Street sidewalk between 9th and 10th Avenues East is covered by this Ordinance and is requested that it be referenced as such. (Copies of Ordinances 6789 and 9313 are enclosed.)